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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,242	01/28/2000	Alain Benayoun	FR998-073	1991

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EXAMINER

WOO, ISAAC M

ART UNIT PAPER NUMBER

2172

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/493,242

Applicant(s)

BENAYOUN ET AL. 

Examiner

Isaac M Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on December 30 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/493,242 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodhill et al (U.S. Patent No. 5,649,196, hereinafter, "Woodhill").

With respect to claims 1, 11 and 14, Woodhill discloses that the file manager (FIG. 2, col. 3, lines 8-67 to col. 4, lines 1-47) provided for locating a file identified by a path referring to a unit and an identifier, see (col. 1, lines 5-67 to col. 2, lines 1-49),

table for associating the file with a priority (file priority, FIG. 3, col. 10, lines 45-67 to col. 11, lines 1-56) list of physical units (disk drive), see (FIG. 3, FIG. 4, col. 3, lines 45-67 to col. 4, lines 1-47, col. 4, lines 48-61, FIG. 5B, col. 5, lines 11-67 to col. 6, lines 1-40, col. 9, 30-67 to col. 10, lines 1-67 );

wherein the physical units stores a plurality of versions of the file, see (col. 9, lines 30-67 to col. 10, lines 1-44, col. 17, lines 17-67); and

wherein the table comprises a plurality of associations of a file logical path name (file location, 38, FIG. 3, 78, FIG. 4 ) and a file name (40, FIG. 3, 80, FIG. 4) in a one-to-one correspondence with a plurality of physical units, see (FIG. 3, FIG. 4, col. 3, lines 45-67 to col. 4, lines 1-47, col. 4, lines 48-61, FIG. 5B, col. 5, lines 11-67 to col. 6, lines 1-40, col. 9, 30-67 to col. 10, lines 1-67, col. 9, lines 31-67). Woodhill does not explicitly disclose a same file logical path. However, Woodhill discloses that for each File Identification Record 34 in File Database 25, one or more Backup Instance Records 42 are created that contain information about the file (identified by File Identification Record 34) at the time that the file is backed up. Each time that a file is backed up, a Backup Instance Record 42 is created for that file. Each Backup Instance Record 42 consists of the following elements: (1) Link to File Identification Record 44; (2) Backup Cycle Identifier 46 (identifies the particular backup cycle during which the Backup Instance Record 42 is created); (3) File Size 48; (4) Last Modified Date/Time 50; (5) Last Access Date/Time 52; (6) File Attributes 54 (e.g., read-only, system, hidden); (7) Delete Date 56 (date on which the file was deleted); and (8) Insert Date 57 (date on which the Backup Instance Record 42 was created), which teaches that once file is backup, the system

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creates same file in different directory and specifies link to the original file, see (col. FIG. 3, FIG. 4, col. 3, lines 45-67 to col. 4, lines 1-62). Thus, the backup file is same as the file to be backup. Therefore, it would have been obvious a person having ordinary skill in the art the time invention was made to include the same file on the system of Woodhill to copy same file on different directory. The creating backup file with copying same file on different physical location can protect files from system failure. If the file is lost by system failure, the lost file is recovered from backup. Thus, it would be beneficial to create the backup file (copying same file).

With respect to claim 2, Woodhill discloses that the unit for modifying the priority list, see (col. 10, line 45-67 to col. 11, lines 1-56).

With respect to claims 3-4, Woodhill discloses that the table defines attributes (90, file attributes, FIG. 4) for each item (file) of the priority list, see (col. 4, lines 48-62, col. 10, line 45-67 to col. 11, lines 1-56).

With respect to claim 5, Woodhill discloses that the table defines for the file a physical unit with a write attributes that differs from a physical unit with a read attributes, see (col. 3, lines 45-67 to col. 4, lines 1-47).

With respect to claims 6-7, Woodhill discloses that the unit for modifying the attributes, see (col. 3, lines 45-67 to col. 4, lines 1-47).

With respect to claim 8, Woodhill discloses that the controller of peripheral devices in a computer system, comprising a file manager, see (col. 1, lines 10-67 to col. 2, lines 1-49, col. 3, lines 7-44).

With respect to claims 9-10, Woodhill discloses that the operating system of a computer system, comprising a file manager, see (col. 1, lines 10-67 to col. 2, lines 1-49, col. 3, lines 7-44).

With respect to claims 12, Woodhill discloses that the plurality of versions of the file with a common logical identification are savable, see (FIG. 2, FIG. 3, FIG. 4, col. 3, lines 7-67 to col. 4, lines 1-62).

With respect to claims 13, Woodhill discloses that the modifying unit for modifying the priority list, to access any of the plurality of versions, see (col. 3, lines 45-67 to col. 4, lines 1-47).

With respect to claim 15, Woodhill discloses that second request for a file logical path name and a file name is the same as first request, the file manager associates physical unit listed on the priority to the file name of the second request different from a physical unit associated with a file name of the first request, see (FIG. 5I, col. 10, lines

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45-67 to col. 11, lines 1-56, col. 17, lines 17-67 to col. 18, lines 1-39, Note: first request and second request can be differentiated by priority values).

With respect to claim 17, Woodhill discloses that the file manager selectively accesses a first association of a same file logical path name and a file name established prior to a second association of a file logical path name and a file name, see (col. 10, lines 45-67 to col. 11, lines 1-56, col. 17, lines 17-67 to col. 18, lines 1-39).

With respect to claim 18, Woodhill discloses that the file manager routes a subsequent request to access a same file logical path name and a same file name as previous request to a different version of the file logical path name and the file name on a different physical unit, see (col. 10, lines 45-67 to col. 11, lines 1-56, col. 17, lines 17-67 to col. 18, lines 1-39).

With respect to claim 19, Woodhill discloses that the file manager establishes and maintains the priority list of physical unit, see (col. 10, lines 45-67 to col. 11, lines 1-56, col. 17, lines 17-67 to col. 18, lines 1-39).

With respect to claim 20, Woodhill discloses that the physical unit holds a different version of the file, see (col. 9, lines 30-67 to col. 10, lines 1-44, col. 17, lines 17-67).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kikuchi et al (U.S. Patent No. 6,457,007) discloses the distributed database management system includes a communication network, at least a terminal device including an application program execution unit connected to the communication network, a plurality of information processors connected to the communication network, a plurality of physical databases installed in at least one of the information processors, at least a logical database grouping a plurality of the, physical databases, the logical database being defined by logical database information stored in at least one of the terminal device and the plurality of information processors, at least a table stored in at least one of the physical databases, and a table location searching unit installed in at least one of the terminal device and the plurality of information processors, for searching a table stored in at least one of the physical databases based on the logical database information, the table being requested to access on a logical database, from the application program execution unit.




***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

IMW  
January 14, 2003

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER